

Attorney's Docket No. 07148-032001 / A15-505.10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lorin R. DeBonte et al. Art Unit : 1638
Serial No. : 08/572,027 Examiner : Gary Benzion
Filed : December 14, 1995
Title : PLANTS HAVING MUTANT SEQUENCES THAT CONFER ALTERED
FATTY ACID PROFILES

Commissioner for Patents
Box DAC
Washington, D.C. 20231

TRANSMITTAL LETTER

MAR 18 2002

Correspondence relating to this application is enclosed:

1. Response to Decision Refusing Status (2 pgs.);
2. Petition of Miao to Correct Inventorship Inventor's Declaration (1 pg);
3. Combined Declaration and Power of Attorney of Miao (3 pgs.);
4. Petition to Correct Inventorship Company Officer's Declaration (1 pg.);
5. Petition for One-Month Extension of Time (1 pg.);
6. Check in the amount of 110.00 for Extension fee;
7. Return Postcard.

Enclosed is a check for \$110 for the required fee. Please apply any other charges or
credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Dec 21, 2001

Ronald C. Lundquist
Ronald C. Lundquist, Ph.D.
Reg. No. 37,875

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

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December 21, 2001

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Signature

Lisa Johnson
Lisa Johnson

Attorney's Docket No.: 07148-032001
Client's Ref. No.: 15-505.10

OFFICIAL COMMUNICATION**FACSIMILE****ATTENTION: OFFICE OF PETITIONS****FAX NO: 703-308-6916**

Number of pages including this page 12

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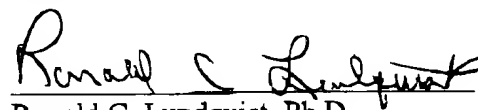
Office of Petitions
Box DAC
Washington, D.C. 20231

Sir:

Per a telephone message from Douglas Wood, attached to this facsimile communication cover sheet is a copy of the Response to Decision Refusing Status as filed on December 21, 2001, with the United States Patent and Trademark Office.

Respectfully submitted,

Date: March 18, 2002


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Attorney's Docket No. 07148-032001		Mailing Date December 21, 2001	For PTO Use Only <i>Do Not Mark in This Area</i>
Application No. 08/572,027	Filing Date December 14, 1995	Attorney/Secretary Init RCL/ljj	
Title of the Invention PLANTS HAVING MUTANT SEQUENCES THAT CONFER ALTERED FATTY ACID PROFILES			
Applicant Lorin R. DeBonte et al.			
Enclosures - Transmittal Letter (1 page) - Response to Decision Refusing Status (2 pages) - Petition of Miao to Correct Inventorship Inventor's Dec. (1 pg.) - Combined Declaration and Power of Attorney (3 pages) - Petition to Correct Inventorship Company Officer's Dec (1pg.) - Petition for Extension of Time (1 month) - Check in the amount of \$110.00			

MAR 18 2002

7148-032001

 FISH & RICHARDSON P.C.225 Franklin Street
Boston, Massachusetts
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Assistant Commissioner for Patents
Box DAC
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**RESPONSE TO DECISION REFUSING STATUS AND REQUEST FOR
RECONSIDERATION**

Applicants filed Petitions on May 9, 2001, requesting correction of inventorship to add Mr. Guo-Hua Miao and delete Mr. Willie H.-T. Loh. Applicant's Petitions also requested waiver of the requirement for a statement under 37 CFR § 1.48(a) from Mr. Miao as to lack of deceptive intent. Applicant's Petitions also requested waiver of the requirement for an executed declaration under 37 § CFR 1.63 from Mr. Miao. The Office of Petitions dismissed Applicant's Petitions.

Applicants hereby renew their request to correct inventorship. Applicants submit herewith the following documents: 1) Declaration under 37 CFR § 1.63, signed by Mr. Miao; and 2) Inventor's Declaration under 37 CFR § 1.48(a), signed by Mr. Miao. Applicants believe that the two documents executed by Mr. Miao meet the requirements of 37 CFR §§ 1.47(a), 1.48(a), 1.63 and 1.67. Thus, Applicants believe that waiver of the rules with respect to execution of documents by Mr. Miao is now moot.

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Lisa Johnson

Typed or Printed Name of Person Signing Certificate

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The Office of Petitions noted in the Decision Refusing Status that it appeared Mr. Fan had in fact signed the supplemental declaration, whereas Applicants stated Mr. Fan refused to sign. The Office of Petitions is correct. Applicants inadvertently stated that Mr. Fan did not sign the supplemental declaration, when in fact he did do so.

The Office of Petitions requested proof that Mr. Ernie Unger has authority to consent to correction of inventorship on behalf of the assignee, Cargill, Incorporated. Mr. Unger does have authority to sign on behalf of Cargill, Incorporated. However, to expedite prosecution, a Declaration under 37 CFR §3.73 is enclosed herewith, executed by Harry Gwinnell, Vice-President and Chief Intellectual Property Counsel of Cargill. The enclosed Declaration states that Cargill consents to the correction of inventorship indicated above. Applicants believe that Mr. Gwinnell's corporate title demonstrates proper proof of authority to sign on behalf of the assignee.

In view of the enclosed documents and remarks, Applicants request reconsideration of the Petitions filed May 9, 2001 to correct the inventorship entity for the above application to add Mr. Miao and to remove Mr. Loh. Applicants further request that the application be transferred to the Examiner for further examination.

Respectfully submitted,

Date: Dec 21, 2001

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